

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2111.04
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	March 29, 2004
DATE OF REPORT:	April 27, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 18, 2004

COMPLAINT ISSUES:

Whether the Avon Community School Corporation and the West Central Joint Services violated:

511 IAC 7-23-1(p) by failing to obtain written and dated consent of the parent before personally identifiable information about the student is disclosed to anyone other than the parent or authorized public agency officials, or before the information is used for any purpose other those specified in the rule.

FINDINGS OF FACT:

1. The Student is eight years old and is eligible for special education and related services due to autism spectrum disorder and a communication disorder.
2. On September 5, 2003, the Parent provided to the School three signed and dated Consents for Mutual Exchange/Releases of Information (Mutual Releases) authorizing communications between the School and each of the Student's three physicians including a neurologist (Neurologist).
3. On October 24, 2004, the School telephoned the Neurologist's office. The Complainant acknowledges that this telephone call did not result in an exchange of information about the Student.
4. The School and the County Division of Family & Children have adopted mutually-agreed, written procedures (the Protocol) for reporting suspected child abuse or neglect. The Protocol incorporates a definition of physical abuse that includes bruises. When any School staff member suspects that a child has been abused or neglected, the Protocol requires the staff member to notify the principal or the principal's designee. The principal (or designee) is responsible for reporting to the County Division of Family & Children, Child Protective Service Unit (CPS). The Protocol also contains a reminder that a School staff member has an individual obligation to make a report to CPS regarding suspected abuse or neglect, if the principal (or designee) does not agree that the situation warrants a report to CPS.
5. The Complainant questions the appropriateness of the following reports to CPS:
 - a. On or about October 27, 2003, the School notified CPS of suspected abuse of the Student. In accordance with the Protocol, School staff members brought their concerns to the principal (or designee) before the call to CPS was made.

- b. On or about March 11, 2004, the School notified CPS of suspected abuse of the Student. In accordance with the Protocol, School staff members brought their concerns to the principal (or designee) before the call to CPS was made.
6. The information reported to CPS was based on personal observation and did not rely on the contents of the Student's educational record. To clarify the limited extent of the School's knowledge, it was disclosed that the Student was unable to communicate verbally, and there are multiple caregivers.

CONCLUSION:

1. Finding of Fact #2 and #3 indicate that the School was in possession of written and dated consent of the parent at the time of a call to the office of the Student's Neurologist. Findings of Fact #4, #5, and #6 indicate that the School adhered to local procedures and did not disclose unnecessary information from the Student's educational record, when fulfilling the statutory duty, under IC 31-33-5, to report suspected child abuse or neglect. Therefore, no violation of 511 IAC 7-23-1(p) occurred.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.